



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8621

July 10, 2020

Via ECF

Hon. Vernon S. Broderick
U.S. District Court, S.D.N.Y.
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *Boncimino v. N.Y. State Unified Ct. Sys, et al.*
No. 17-cv-6760 (VSB)

Dear Judge Broderick:

The Office of the Attorney General of the State of New York (“the Office”) represents defendants Major Michael DeMarco, Captain Joseph DiBello, Captain Robert Miglino, and Sergeant Thomas Ricciardi (“the Individual Defendants”) in this matter. On behalf of all parties in this action, I write to provide the Court with an update as to the status of discovery and settlement. (See ECF 86).

Expert Discovery

Expert discovery has largely been completed, although some items remain outstanding. The deposition of Plaintiff’s expert, Dr. Gary Namie, was completed on June 4, 2020. Plaintiff’s counsel deposed the Individual Defendants’ expert, Dr. Alexander Bardey, on July 8, 2020, but indicated on the record that she plans to request documents discussed during that deposition. Plaintiff’s counsel anticipates that she will identify specific categories of documents by the end of next week, but has reserved the right to supplement that request after receipt of the final deposition transcript. The Individual Defendants will work amicably with counsel to resolve any disputes related to the production of any requested documents, should they arise.

Settlement

On June 2, 2020, Your Honor referred the parties to Magistrate Judge Debra C. Freeman for settlement purposes. (ECF 87). A preliminary settlement conference was held on June 18, 2020, and Magistrate Freeman has scheduled a second conference for July 16, 2020. She has indicated

that she may be agreeable to holding a formal settlement conference on a date thereafter, depending on the information provided by the parties on July 16, 2020.

If the case cannot be resolved in the near term, the Individual Defendants and defendant New York State Unified Court System both intend to move for summary judgment. The parties respectfully request until August 28, 2020 to submit another status update, so that they may pursue settlement in earnest and finish discovery.

Thank you for your continued attention to this matter.

Respectfully submitted,

/s/
Shawn Schatzle
Assistant Attorney General
Counsel for the Individual Defendants